

Approved as Submitted: November 3, 2004

**CITY OF MORGAN HILL
SPECIAL CITY COUNCIL MEETING
MINUTES – OCTOBER 27, 2004**

CALL TO ORDER

Mayor Kennedy called the special meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Present: Council Members Carr, Sellers, Tate and Mayor Kennedy
Absent: Council Member Chang

DECLARATION OF POSTING OF AGENDA

City Clerk Torrez certified that the special meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mayor Kennedy opened the floor to public comment for items not appearing on this evening's agenda.

Alex Kennett, Chamber of Commerce Board Member and outgoing Interim Executive Director, introduced recently hired Chamber of Commerce Executive Director Dan Ehrler.

Mr. Ehrler stated his appreciation for this opportunity and that he looks forward to meeting with each Council Member and city staff individually. He also looks forward in working with the City and the community toward a continuing, excellent relationship with the Chamber of Commerce.

No further comments were offered.

CONSENT CALENDAR:

City Manager Tewes informed the City Council that item 1 was placed on the consent calendar at the request of a developer who is subdividing property. It was his understanding that the developer was still talking to City staff about this item. He felt that it may be appropriate to remove this item from the consent calendar at this time and that the item be considered by the Council once the results of the discussions are known.

1. REVISION TO SUBDIVISION IMPROVEMENT AGREEMENT FOR CAPRIANO, PHASE VI (TRACT 9617)

City Manager Tewes indicated that from time to time, the Council is asked to authorize the City Manager to execute a subdivision improvement agreement. He said that a condition of the subdivision improvement agreement is that the developer provides insurance to ensure that the public improvements are installed properly and that in the event that any claims occur subsequently, the City is properly covered. In this particular instance, the Council previously authorized the City to enter into an agreement for this particular subdivision. He informed the Council that the developer has asked for the opportunity to have an alternative way in which the insurance could be provided. The developer proposes that his construction firm also be allowed to provide the insurance. He stated that it is staff's belief that this alternative would provide sufficient coverage to the City and that the agreement before the Council would authorize the City Manager to execute a subdivision agreement that would provide an alternative way in which the insurance can be provided. He clarified that the actual insurance requirements are not changing; it is just how the requirements can be met.

Action: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Tate, the City Council, on a 4-0 vote with Council Member Chang absent, **Authorized** the City Manager to Sign the Revised Subdivision Improvement Agreement on Behalf of the City.*

ADJOURNMENT

There being no further business, Mayor Kennedy adjourned the special meeting at 10:58 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK